



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808 Ext. 2591, 2563 & 2221
Fax: (219) 362-5561

ANNEMARIE POLAN
Building Commissioner

September 15, 2015

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **September 15, 2015, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Dwayne Hogan Glen Minich
 Wally Pritz Candice Nelson

PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege; Darlene Pavey, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Dwayne Hogan asked for approval of the meeting minutes of August 18, 2015.

Wally Pritz made a Motion to approve the minutes. Candice Nelson seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

All approved. Motion carried 4-0.

1. The Petition for Jon-Paul and Brittini Evans for a "Use Variance" to operate an auto repair business out of an existing pole barn on his property on .717 acres of land and for a lighted sign. This variance was granted for a year on September 16, 2014 for a period of one year and set for further review on compliance on September 15th, 2015. Finding of Facts and Conclusions of Law are attached. This property is located at 5885 N. 400 W., Michigan City, Springfield Twp., zoned Agricultural.

Dwayne Hogan asked for name and address for the record.

5885 N. 400 West, Jon-Paul Evans.

9-15-2015 BZA Minutes

Brittini Evans, 5885 N. 400 West.

Dwayne Hogan asked the Evans if they have had any complaints since they have been in business over the year.

Mr. Evans stated not that he's aware of.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 1.

Dwayne Hogan asked the pleasure of the board.

Candice Nelson made a Motion Jon-Paul and Brittini Evans to continue operating an auto repair business out of their existing pole barn at property located at 5885 N. 400 West, Michigan City, Springfield Twp., zoned Agricultural.

Wally Pritz seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

Attorney Biege said that the original grant had the following conditions:

- a) Not to exceed five vehicles at a time
- b) Hours limited from 8:00 a.m. to 5:00 p.m., Monday through Friday.
- c) A 3x3 lighted sign was authorized.

Attorney Biege asked the board members if they still want to impose those conditions.

Dwayne Hogan asked Mr. Evans his normal hours of business right now.

Mr. Evans stated 8:00 a.m. to 5:00 p.m.

Dwayne Hogan asked if that is Monday through Friday, with no weekends.

Mr. Evans said Monday through Friday.

Dwayne Hogan asked if there is any weekends.

Mr. Evans said that on weekends its personal stuff.

Dwayne Hogan asked Mr. Evans if that is working out fine for him.

Mr. Evans said that it is.

Dwayne Hogan asked Mr. Evans if the sign is working out.

Mr. Evans stated yes.

Attorney Biege said that it's up to the board if they want to include those previous conditions to be consistent.

Candice Nelson said that all previous conditions are intact.

All approved. Motion carried 4-0.

2. The Petition for New York Boys Management, LLC (Owners) and Central States Tower LLC (Lessee) for a "Special Exception" for a telecommunication tower and a "Use Variance" to have the tower 180' feet instead of the required 150' feet. This property is located at 10021 W. 100 North, Michigan City, Coolspring Twp., zoned Agricultural on 67.04 acres of land. (This matter is tabled to the October 20th, 2015 meeting at 6:00 p.m.)

3. The Petition for Shane & Allison Morton (buyers) and Wayne & Rebekah Sears (Seller), (Land Contract) for a "Use Variance" for continued placement of a mobile home without the two-hundred (200) feet of road frontage and on an easement. A Variance was granted on June 19th, 2012 for a period of three years renewable. (Minutes are attached). This property is located at 0605 S. 700 E., Mill Creek, IN, Lincoln Twp., zoned Agricultural on 6.606 acres of land.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Allison Morton, 605 S. 700 E., Mill Creek, Indiana 46365.

Stanley Morton, 0603 S. 700 E., Mill Creek, Indiana.

Dwayne Hogan asked what they would like to do this evening.

Allison Morton said that she wants to continue living there. Ms. Morton said that this was approved last time because her husband is the care-taker for his parents. Ms. Morton said that once they die, they were told that they have to move out. Ms. Morton said that they're looking to get this renewed.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 3.

Dwayne Hogan asked if there are any questions, or comments from the board.

Glen Minich said that he doesn't understand how this situation has changed.

Ms. Morton said not at all. Ms. Morton said that the board told her that she only had three years and they're here at that three year mark to get this renewed. Ms. Morton said that nothing has changed.

Glen Minich asked Ms. Morton how long the trailer has been there.

Ms. Morton stated twenty years this year. Ms. Morton said it has been in the family for twenty years.

Dwayne Hogan asked Ms. Morgan who lives in the mobile home.

Ms. Morton stated herself, husband and daughter.

Glen Minich told Ms. Morton what the board is trying to get at is that we're not doing these under new ownership. Glen said that as long as it's a continuation, but this trailer cannot be sold; this lot cannot be sold.

Stanley Morton said that it would cause him a hardship not to have his son nearby because of his disabilities. Mr. Morton said that he knows that after he dies and his wife dies, the trailer would have to go.

Glen Minich said that they don't want to create a hardship on a family, that's for sure, but we have to have the renewals to make sure that the property isn't being sold. Glen said that we're not going to place trailers in the county and use them as rentals.

Ms. Morton said that they understand that.

Dwayne Hogan asked if there are any other questions from the board.

Glen Minich made a Motion that the Petition for Shane & Allison Morton (buyers) and Wayne & Rebekah Sears (Sellers) under land contract continue to place this mobile home without the two-hundred feet of frontage for a period of three years renewable. Property is located at 0605 S. 700 E., Mill Creek, IN, Lincoln Twp., zoned Agricultural on 6.606 acres of land.

Candice Nelson seconded.

Dwayne Hogan asked if there are any other questions, comments, or concerns.

All approved. Motion carried 4-0.

4. The Petition for Keith Kozlowski, (owner) and Kyle Kozlowski, (Lessee) for a Use Variance for an off premise sign (4x8) unlit for a small engine repair business. This property is located at 6606 W. Johnson Road, La Porte, Coolspring Twp., zoned R1B.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Kyle Kozlowski, 1342 East State Road 4, La Porte, Indiana.

Dwayne Hogan asked Mr. Kozlowski what he would like to do this evening.

Mr. Kozlowski said that he would like to get this approved. Mr. Kozlowski said that when he put that up it was just mainly a temporary thing. Mr. Kozlowski said that his father and uncle own rental properties and it was vacant at that time. Mr. Kozlowski said that he's just trying to do it to see what it would bring into his business; add anything, or get more customers. Mr. Kozlowski said that if it were to be approved, he would like to make it a more permanent sign; maybe move it. Mr. Kozlowski said that it has blown over a couple of times.

Dwayne Hogan asked Mr. Kozlowski if the address of the business is 6606 W. Johnson Road.

Mr. Kozlowski stated no.

Dwayne Hogan asked what the address of the business is.

Mr. Kozlowski said that it's 1309 E. State Road 4.

Annemarie Polan told Dwayne Hogan that it's an off premise sign.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 4.

Remonstrators:

1. Trennis Bradford, 1995 North, 675 West, La Porte. Mr. Bradford said that he owns the property adjacent to where the sign is posted. Mr. Bradford said that it's an eye sore and it affects the property values. Mr. Bradford said that you're advertising something way far away. Mr. Bradford said that all the neighbors are upset.

Mr. Bradford is up at the bench passing out pictures to the board members of the sign.

Mr. Bradford said that it would be a safety issue for people pulling out of their driveways. Mr. Bradford said that he's afraid if we start this, where do we quit. Mr. Bradford said that he doesn't think that we want to open a can of worms here.

Glen Minich said that the county zoning ordinance does allow this under special exceptions as the way it's written.

Mr. Bradford said that this is a bad location for a sign like that. Mr. Bradford said that it's a nice little neat residential area.

2. Phyllis Howard, 6568 W. Johnson Road, La Porte, Indiana. Ms. Howard said that this sign is right next door on the south side. Ms. Howard said that it's very difficult to see when you're backing on to Johnson Road. Ms. Howard said that Johnson Road is a very busy highway. Ms. Howard said she just doesn't like it.

3. Rick & Sherry Marvin, 6622 W. Johnson Road, La Porte. Mrs. Marvin said that they're Tren's renters and they definitely don't like that sign. Mrs. Marvin said that it's hard to get out of their driveway considering there is also a pole right there.

Dwayne Hogan asked if there are any other remonstrators.

Dwayne Hogan asked if there are any other questions from the board.

Glen Minich said by looking at it, he's not in favor of this. Mr. Minich said that it isn't the right place to put it in a residential area like that and he thinks that it's a safety concern.

Candice Nelson said that she isn't in favor of this either.

Dwayne Hogan said that the sign is already there without having a variance. Mr. Hogan said that it was already done after the fact. Mr. Hogan said that luckily it's a relatively temporary sign that you can take down very easily.

Glen Minich made a Motion that the Petition for Keith Kozlowski, (owner) and Kyle Kozlowski, (Lessee) for a Use Variance for an off premise sign be denied because of safety concerns. Property is located at 6606 W. Johnson Road, La Porte, Coolspring Twp., zoned R1B.

Candice Nelson seconded.

Dwayne Hogan asked if there are any questions, comments, concerns, or clarifications.

All approved. Motion carried 4-0.

Dwayne Hogan told Mr. Kozlowski to make sure that he takes that sign down.

5. The Petition for Susan Hill (Trust) for a Variance of Developmental Standards to build an 8,432 square foot storage barn with a powder room, small kitchen and bar. This property is located at 1362 East 1000 North, La Porte, Galena Twp., zoned Agricultural on 35 acres of land.

Attorney Biege said that he sees the certified mail return to the Historical Society and unable to forward as addressed. Attorney Biege said that the address doesn't match.

Ms. Hill up at the bench going over the legal with attorney Biege.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Susan Hill, 1362 E. 1000 North, La Porte.

Dwayne Hogan asked Ms. Hill what she would like to do this evening.

Ms. Hill said that they were told they needed a variance because the barn that they're putting up is going to have a powder room and running water.

Dwayne Hogan asked Ms. Hill what's going to be inside the pole barn.

Mr. Hill said that he's going to store cars that he presently has all over the place.

Dwayne Hogan asked if it's going to have a small kitchen, powder room, and a bar.

Mr. Hill stated that is it.

Dwayne Hogan asked if this is going to be a multi-level.

Mrs. Hill said that there is a loft that runs through the center. Mrs. Hill said that it's just a loft because the ceilings are quite high.

Wally Pritz asked Mrs. Hill if she's going to do entertaining. Wally said that he notices that they have a wine bar.

Mrs. Hill said that they don't plan on doing any entertaining except for family. Mrs. Hill said that she relocated from Winnetka, Illinois and established residence here. Mrs. Hill said that she retired and she's sixty-six and her husband is semi-retired. Mrs. Hill said that this is going to be their permanent residence. Mrs. Hill said that they have a number of cars and a wine room in their home in Winnetka. Mrs. Hill said that they're trying to do this over a period of a couple years. Mrs. Hill said that there is really no way to put any of this in their home.

Wally Pritz asked if it's going to be a commercial use.

Mrs. Hill stated no. Mrs. Hill said that they're going to have a security system on it. Mrs. Hill said that no one other than her family and close friends would be using this.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 5.

Dwayne Hogan asked if there are any other questions, comments, or concerns of the board.

Glen Minich made a Motion that the Petition for Susan Hill (Trust) for a Variance of Developmental Standards to build a 8, 432 square foot storage barn with a powder room, small kitchen and bar be granted at property located at 1362 East 1000 North, La Porte, Galena Twp.,

Wally Pritz seconded.

Dwayne Hogan asked if there are any other questions or concerns.

All approved. Motion carried 4-0.

6. The Petition for County Information Services, LLC., a Delaware limited liability company (Lessee) for a "Special Exception" to erect two communications towers as one facility to conduct investigational research of high frequency signals within 2 miles of an existing tower and a "Use Variance" for the unique nature of this facility, there will not be the availability of other carriers to co-locate on this facility. This property is located at 8399 W. 1050 South, Clinton Twp. Zoned Agricultural on 160 acres of land.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 6.

Dwayne Hogan said that we will move Petition No. 6 down to the bottom.

7. The Petition for Robert & Susan Depriest & Michael Depriest for a Use Variance to operate a vehicle repair shop and towing business out of an existing pole barn. This property is located at 2151 E. Highway 2, La Porte, Kankakee Twp., zoned Agricultural on 6 plus acres of land.

Attorney Biege said that we didn't get certified mail receipts back, but we have receipts showing that all notices were mailed. Attorney Biege said that he thinks that is sufficient. Attorney Biege said secondly, we don't have an affidavit of publication, however we do have a paid bill and a copy of the newspaper article.

Dar Pavey told attorney Biege that she has the notification of publication.

Dwayne Hogan asked for name and address for the record.

Robert Depriest, 2151 E. State Road 2, Rolling Prairie, Indiana.

Michael Depriest, 7802 N. Walker Road, New Carlisle, Indiana.

Dwayne Hogan asked what they would like to do this evening.

Robert Depriest said that they would like to open up a vehicle recovery towing and repair shop out of the existing pole barn. Mr. Depriest said that obviously it needs repair.

Dwayne Hogan told Mr. Depriest that it looks like he already has a lot of cars already there. Dwayne asked if the business is open and running now.

Mr. Depriest said that it's not actually running, they're just getting these cars.

Dwayne Hogan asked Mr. Depriest what he's getting the cars for.

Mr. Depriest said that some are for repairs and some are for scrap.

Michael Depriest said that they're all personal vehicles; they're not customers.

Dwayne Hogan told Mr. Depriest that it looks like he has seven or eight cars back there.

Glen Minich told Mr. Depriest that he said that they're your own private vehicles. Glen asked if he's buying them to scrap them and fix them up.

Mr. Depriest stated yes.

Glen Minich said so it's inventory what you're telling us.

Mr. Depriest said that there is inventory there. Mr. Depriest said that there are three or four personal cars.

Dwayne Hogan said by the pictures show the business has already started and running before you got the variance.

Mr. Depriest said that it isn't actually running.

Glen Minich was talking about the supervising of this business.

Mr. Depriest said that he worked at E&M Auto for five or six years and he has a really good knack.

Glen Minich was talking about the fluids being dumped.

Mr. Depriest said that as far as fluids, he works for the railroad and he has an account through safety (inaudible) and the chemicals will be disposed off property. Mr. Depriest said that nothing would be dumped on the property.

Attorney Biege said that it would have to be handled just like a service station, or any other business.

Dwayne Hogan asked for a definition of recovery vehicles.

Mr. Depriest said that he personally has his own (inaudible) lift up truck for personal use. Mr. Depriest said that the long term plan is to get on the tow list.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 7.

Dwayne Hogan asked if there are any other questions of the board.

Glen Minich said that the property is very visible entering La Porte and he thinks that it really needs to be cleaned up some. Mr. Minich said that we certainly would be looking at a probationary period to see how the business is going.

Dwayne Hogan asked if there is a name for this business.

Mr. Depriest said "Dad's Towing".

Dwayne Hogan asked Mr. Depriest the hours of business.

Mr. Depriest said Monday through Friday 8:00 a.m. to 5:00 p.m. Mr. Depriest said that the towing would be open twenty-four seven.

Dwayne Hogan asked Mr. Depriest what kind of business will be conducted Monday through Friday.

Mr. Depriest stated auto repair and impounds.

Dwayne Hogan asked Mr. Depriest if he is planning a fenced off secure area for impounds.

Mr. Depriest stated yes.

Wally Pritz told Mr. Depriest that if he has a secured area, we need to have a non-see through fence so people don't see these wrecked cars from the Highway.

Dwayne Hogan asked Mr. Depriest how long he thinks it will take to get everything up and running.

Mr. Depriest said at least a couple of months.

Dwayne Hogan asked Mr. Depriest if he's going to put a sign out there.

Mr. Depriest said that it will be up on the barn.

Glen Minich said that in this case he would like to see the sign outside, because when you're traveling along the highway and looking for a business like this, it's much easier if there is a sign there and you can locate it.

Mr. Depriest said that he never checked into what he could do for a sign.

Dwayne Hogan told Mr. Depriest that he needs to ask for it now if you're going to do anything bigger than a 4x8 with a light on it.

Mr. Depriest said that he will ask for a 4x8 lighted sign by the road.

Dwayne Hogan asked Mr. Depriest if he's going to use the current barns that are there now.

Mr. Depriest stated yes. Mr. Depriest said that both of the barns will be remodeled.

Dwayne Hogan asked if there is water and septic in these barns.

Mr. Depriest said neither barn has water. Mr. Depriest said it will be electric.

Dwayne Hogan asked Mr. Depriest if he's going to do maintenance in there, how is he going to clean without water.

Mr. Depriest said that the bathroom will be in the house. Mr. Depriest said that there won't be any public bathrooms there.

Glen Minich said that this is going to be a trial basis and it is in a residential area.

Wally Pritz said that he thinks that it should be cleaned up and fenced properly on a trial basis.

Mr. Depriest said that he thinks that it's going to take about a year to get this going and the barns done.

Annemarie Polan, Building Commissioner, asked the board if they would make the motion that once they're ready to go and the sign is up, the year starts on the trial basis at that point.

Glen Minich said that he thinks that is a good idea, or we go one year and we might have to go a second year.

Attorney Biege said that he'd rather see it for a date certain, because he doesn't want to have confusion as to when the time period starts.

Dwayne Hogan said that for safety considerations, the property needs to be cleaned up and the fence needs to be put up before we open the business.

Wally Pritz said that he thinks that they should be allowed to actively conduct business once the fence is up to generate business to help with siding the barns.

Dwayne Hogan asked the pleasure of the board.

Glen Minich said we want it cleaned up and how do we start with that point. Glen said that we would like to see a good faith effort to see the property cleaned up some before we go forward. Glen asked if there are any ideas.

Attorney Biege said how about we say the fence should be erected to block the view of any vehicles and the vehicles shall be contained within the fence prior to the opening of the business.

Board members speaking amongst themselves.

Candice Nelson made a Motion that we approve the petition for Robert & Sandra Depriest and Michael Depriest for a Use Variance and prior to opening their business, the vehicles must be contained with the proper fencing with a 4x8 lighted signage. This property shall be cleaned up. Hours of operation Monday through Friday 8:00 a.m. to 5:00 p.m. for the vehicle repair business and the towing business twenty-four hours seven days a week on a one year trial basis on property located at 2151 E. Highway 2, La Porte, Kankakee Twp., La Porte, Indiana.

Wally Pritz seconded.

Dwayne Hogan said just so we're clear, you have to have the fence up and everything cleaned up prior to opening the business.

All approved. Motion carried 4-0.

8. The Petition for UPD La Porte, LP and the County of La Porte for a Use Variance for the La Porte County Home to allow for low-rise residential use for the La Porte County Home and the area immediately surrounding the premises. This property is located at 2852 State Road 2 West, La Porte, Scipio Twp., zoned R2B on 303.723 acres of land.

Attorney Biege said notice is adequate.

Dwayne Hogan asked for name and address for the record.

Katie Kreifels, 901 W. Madison Street, Chicago, IL 60607

Ryan Hatten, 846 W. Berry, Chicago, IL 60657.

Dwayne Hogan asked them what they would like to do this evening.

Ms. Kreifels UPD La Porte, LP and La Porte County have partnered to rehabilitate the La Porte County Home to better serve the elderly and disabled in this area. Ms. Kreifels said that during our course of work together, they became aware that despite its one-hundred twenty years in existence in the county as a residential assisted living facility, the actual three- hundred some odd acre parcel on which the La Porte County Home is situated is actually zoned for single family residential use. Ms. Kreifels said that in order for the project to move forward, UPD La Porte and La Porte County need to secure a Use Variance to make absolutely clear the current common knowledge that the La Porte County Home is operating lawfully in its current location, and once rehabilitated, will continue to be compliant.

Ms. Kreifels said as such, the parties have jointly filed a petition for variance of use to allow R3 low rise residential use at the La Porte County Home and immediately surrounding areas. Ms. Kreifels said that is approximately five to six acres.

Glen Minich said that he thinks that it would be improper to use the petition with the three-hundred and three acres.

Attorney Biege said that we can amend the petition and we can attach the sketch to the findings.

Dwayne Hogan said that he didn't realize that the home had three-hundred acres of property.

Board members speaking amongst themselves.

Attorney Biege said that we're not going to risk affecting that other three-hundred acres, which is already farm land.

Ms. Kreifels said that the idea is to have this particular chunk from that three-hundred acre parcel be zoned properly for its current use, which will also be its use if we move forward with this project. Ms. Kreifels said that currently it is R1B, but this portion they would ask to be R3A, low rise residential. Ms. Kreifels said that it's her understanding that it's just correcting what the current ----

Dwayne Hogan said the existing what's out there.

Wally Pritz asked if there is a specific reason that you have in your reference that it encompasses the complete pond with this five acres.

Ms. Kreifels said that this particular drawing is wrong and the site plans that they're currently working with do not extend past the pond. Ms. Kreifels said functionally they're not going to be extended past the pond.

Attorney Biege said that we need some kind of sketch or drawing to be able to identify what the board is granting.

Attorney Biege said that we're kind of wavering on a survey to begin with because this is in the early stage of the project, but we're not going to be able to go so far to not be able to identify specifically what the board is granting.

Glen Minich told attorney Biege that he basically just excluded the pond
Attorney Biege said that we need a sketch or drawing to identify what is specifically being granted.

Attorney Biege asked Ms. Kreifels if they could amend that.

Ms. Kreifels said that they would petition with this.

Attorney Biege said that's fine.

Attorney Biege asked Ms. Kreifels if there is a name or title to this project.

Ms. Kreifels said at the moment they're calling it La Porte Pioneer Village.

Dwayne Hogan asked Ms. Kreifels if their only intentions are to keep it at R3A only.

Ms. Kreifels stated exactly.

Dwayne Hogan asked if anything else would come in there to be built, or modular, or Section 8 housing.

Ms. Kreifels said that this is the only thing that they're looking to do at this point. Ms. Kreifels said that the foot print of the building is going to remain primarily the same as it is now.

Attorney Biege asked if we're calling this senior apartments.

Ms. Kreifels said that it will be housing for independent elderly, age fifty-five and over.

Glen Minich said that this is going to confuse the public a little bit because we have a Pioneer Village right near this site. Glen said on the Fair Grounds there is a Pioneer Village.

Ms. Kreifels said that they will absolutely rename the project.

Ms. Kreifels said that there were five criteria that they know they needed to make as a part of this petition and she is prepared to speak on all of them.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 8.

Remonstrators:

1. Marie Santander Wolfson, 1316 S. Redbud Drive, La Porte. Ms. Wolfson said that she faces that beautiful wetlands. Ms. Wolfson said that what was confusing, and she is here on behalf of some of her neighbors, not all of them got letters and she got two. Ms. Wolfson said that as you come into the development which was built by Walter Kegebein, the County Home is on the corner of 2 and Nursery; all the houses on the right face the wetlands and the ones on the left do not. Ms. Wolfson said that she's in Walter's personal residence, god rest his soul. Ms. Wolfson said that he moved across the street and built his wife Louise another house; he also built most of the houses on the street.

Ms. Wolfson said that the first question is why did some of us get letters and others didn't.

Attorney Biege said that notice is required to be given to adjoining property owners; those are the people that touch the subject property. Attorney Biege said that people across the street for example wouldn't get one.

Ms. Wolfson said that she understands that, but the four houses to her left, including Sheriff Molenhauer. Ms. Wolfson said that she happens to own the largest piece; she owns 3 and three quarters acres, the house itself is on three quarters of an acre.

Ms. Wolfson asked if she is correct in understanding that the company that owns the County Home isn't the county. Ms. Wolfson asked if it's a private company that owns it.

Attorney Biege told Ms. Wolfson that the county owns the County Home. Attorney Biege said that this is a proposed development. Attorney Biege said that this is partially hinging on a grant. Attorney Biege said that in order for them to apply for the grant that zoning has to be proper. Attorney Biege said that the county council was clear last night that something needs to be done with the county home.

Ms. Wolfson said that she's here for clarification; she can't object to something that she doesn't understand.

Ms. Wolfson asked the board if they're going to ask for a map that is specific, and what she understands from what the lovely lady explained, they're going to develop five point six acres. Ms. Wolfson asked if that is along Highway 2.

Attorney Biege said that we have a proposed picture. Attorney Biege said that as they started out and by his suggestion because he didn't think that it was appropriate to change the entire three

hundred acres that the county owns; we want to leave that as Agricultural. Attorney Biege said that what they did, they drew out the area where the county home is; we're not requiring a survey at this time because they don't know if they have the grant money yet. Attorney Biege said that there is no money to spend at this time for a survey. Attorney Biege said that we do have a picture that he's going to attach if there is any grant of the variance.

Ms. Wolfson stood up at the bench going over the site plan with the attorney and board members.

Ms. Wolfson asked the board members what they're going to call this.

Dwayne Hogan said that they have to get a name, we're not sure yet.

Ms. Wolfson asked how many units they're adding.

Glen Minich told Ms. Wolfson that forty units are being added.

Brian Hatten said that currently La Porte County Home has forty units, however thirty of those units are uninhabitable due to rehabilitation requirements. Mr. Hatten said that there are ten units in the La Porte County Home currently that are occupied.

Ms. Kreifels said that currently they had various iterations of their plan. Ms. Kreifels said at the moment they're looking at a total of fifty units. Ms. Kreifels said the units, if you want to call them that at the county home have a larger number, but most of them are uninhabitable.

Ms. Kreifels said that if you look at the rendering, you will see that their project itself, they're maintaining the entire front portion of the building. Ms. Kreifels said that it will be rehabbed and the back portion of the building will be functionally new construction, but as you know, there is already a back wing to this. Ms. Kreifels said that functionally the foot print of the building is not going to change at all.

Attorney Biege said that all we're doing is creating a zoning variance to allow the possibility, but we're not even close to that; attorney Biege said just the zoning.

Glen Minich said that the county owns three-hundred acres. Mr. Minich said that includes the county fairgrounds, and the adjoining property behind the Armory.

Ms. Wolfson asked the board if they know where the motel is across the street from there?

Dwayne Hogan asked Ms. Wolfson if she's talking about the corner.

Ms. Wolfson asked if the county owns that.

Glen Minich stated no. Glen told Ms. Wolfson that we're only going to include the site plan with the building.

Ms. Wolfson asked if the county has plans to build down there sometime.

Attorney Biege said that this is the Board of Zoning Appeals, they're not going to have any knowledge as to what the County Council or County Commissioners have planned.

Ms. Wolfson said that they've taken a huge hit on their property values already and its been painful. Ms. Wolfson asked if it's going to change their assessment.

Attorney Biege said that those are relevant questions, but they're questions that the board is not going to be able to answer. Attorney Biege said that right now, the question before the board is, is the board willing to change and make a zoning variance for this project. Attorney Biege said that he sits through every county council meeting, and it's a constant discussion. Attorney Biege said that the county plans on doing something with that home. Attorney Biege said that we have less than ten residences and it's very very expensive. Attorney Biege said right now there is no plan with the other land.

Board members speaking amongst themselves.

Glen Minich said that we're really not expanding what we have, we're adding ten more units and it should be a positive thing. It's going to be rebuilt.

Ms. Wolfson asked if we can make sure that the residents to the left got letters.

Attorney Biege said that he's double checking because they gave an affidavit saying that all the adjoining land owners were given notice. Attorney Biege said that there were over forty that they gave notice.

Ms. Kreifels said that currently the county isn't collecting property taxes on this parcel and this project would pay property tax to the county. Ms. Kreifels said that in terms of home values ---

Glen Minich said that they would have an assessed value and the higher the assessed value, the better off it is for everybody to split it up. Glen said in essence, it would lower the homes taxes.

Ms. Wolfson told the board members that they don't anticipate the changing of the zoning to multiple residential being a detriment to single family home owners.

Glen Minich said that only because it's going to be specific to that one site and it really was that before.

Attorney Biege said that what they're asking for is about the closest use they can get as to how they're using the county home now.

Dwayne Hogan asked if there are any other remonstrators here this evening for Petition No. 8.

2. Marvin Thomae, 1384 South Redbud Drive. Mr. Thomae said that he has built five homes himself. Mr. Thomae said that these are really really lovely homes. Mr. Thomae said that he spent years on his hands and knees digging the roots out for all of the brush that kept him from getting to the water.

Mr. Thomae said that the evaluation started twenty years ago and then it dropped down to three-hundred and eighty four thousand dollars. Mr. Thomae said that eighteen months ago they had it appraised again and it dropped to three-hundred forty five thousand and it would cost him five-hundred and fifty thousand to replace. Mr. Thomae said that our government hasn't done us any favor in the area of housing. Mr. Thomae said that they went over a year with the juvenile center and now we have a recovery center; we have a fairgrounds and in fact three years ago he had somebody at 2:00 in the morning standing in front of his lower level looking in the back window.

Mr. Thomae said that they worry about their property values.

Mr. Thomae asked Ms. Kreifels and Mr. Hatten whose money is going into this, or are you just representing. Mr. Thomae asked if they are part of the project, or spokesmen.

Ms. Kreifels said that she is Katie Kreifels and she is Vice President of Operations for a development, which is the developer working on this project and they're working in concert with La Porte County Commissioners. Ms. Kreifels said that the funding for the project itself is in large part from a grant. Ms. Kreifels said that they will be applying for external financing for the project.

Mr. Thomae asked who that would come from.

Ms. Kreifels said that it would come from the Indiana Housing and Community Development.

Mr. Thomae asked where do they get the money.

Ms. Kreifels said that will be applied for under tax credits under Section 42.

Mr. Thomae asked who that comes from.

Annemarie Polan, Building Commissioner, said home owner.

Glen Minich asked Ms. Kreifels if this is still going to be for senior living.

Ms. Kreifels said fifty-five and older. Ms. Kreifels said that it will be for seniors in your community.

Mr. Thomae said that we put a lot of work on that building; they put in windows and worked on brick. Mr. Thomae said that was tax dollars also. Mr. Thomae said that he's concerned about who the people are going to be living in that building.

Dwayne Hogan said that they will be renting and living there, fifty-five and up seniors.

Dwayne Hogan asked Mr. Thomae what kind of people would he like.

Mr. Thomae asked what kind of neighborhood it is going to be when we move in these people. Mr. Thomae said that he feels quite safe in the neighborhood right now. Mr. Thomae said that he has seen a few fifty-five year old people and he could be afraid at looking at them. Mr. Thomae said that he is just concerned about the property values and having the life that they have spent for twenty years.

Dwayne Hogan said that he thinks that we've decided to do this in phases. Mr. Hogan said this is the first phase of many many many phases to come.

Glen Minich told Mr. Thomae that his questions would be aimed more towards the county council than they would be towards us.

Mr. Thomae said that he's not against improvement. Mr. Thomae is up at the bench going over the site plan with the board members.

Dwayne Hogan asked if there are any other remonstrators here this evening for Petition No. 8.

Board members speaking amongst themselves.

Dwayne Hogan asked Ms. Kreifels to speak on the five points.

1. Ms. Kreifels said that the granting of a variance will not be injurious to the public health, safety, morals or general welfare of the community. Ms. Kreifels said that La Porte County Home is mostly vacant due to blighted and unsafe conditions in portions of the structure. The plumbing and bathrooms are insufficient for the intended use and the ventilation system is in poor condition.

Ms. Kreifels said that the variance will simply allow for the same use that has occurred for over 100 years in a safer structure, the granting of said variance will not injure, but rather contribute to the public health and safety, morals and general welfare of the community.

2. Ms. Kreifels said that the use and value of the area adjacent to the property involved will not be affected in a substantially adverse manner. Ms. Kreifels said that the area adjacent to the La Porte County Home has existed in close proximity to a low-rise residential facility since the County Home's inception. This use variance will simply allow for the County Home's improvement and revitalization. Moreover, that the area adjacent to the County Home will have a rehabilitated neighbor as opposed to a neighbor damaged by over a century in service to

seniors, nearby properties could actually see an increase in their value, as opposed to an adverse effect.

3. Ms. Kreifels said that the need for the variance arises from a condition peculiar to the property and is not due to the general conditions of the neighborhood. The need for a use variance in this instance arises from a truly peculiar condition; namely, that a community institution existing since 1896 as a low-rise residential facility would be zoned for single family residential use. This use variance is needed to ensure that the La Porte County Home continues to operate in service of the elderly and those with disabilities. For these reasons, the petitioners are only requesting a use variance for the La Porte County Home and the area immediately surrounding the County Home, rather than the entire three-hundred acre parcel.

4. Ms. Kreifels said the strict application of the terms of the zoning ordinance would constitute an undue hardship if applied to the property for which the variance is sought. If applied strictly, the zoning ordinance would not only impede the rehabilitation of the County Home, but would also characterize its current operations as unlawful. This would preclude future seniors from benefitting from this vital community asset in addition to putting the current residents' housing into question. The County and UPD La Porte, LP want to avoid this eventuality by bringing the zoning of the La Porte County Home in line with its historical use.

5. Ms. Kreifels said that the granting of the variance does not interfere substantially with the Master/Comprehensive Plan of the County. La Porte County's Land Development Plan calls for continued revitalization of the urban neighborhoods, as well as guiding future development to areas that already have access to City sewer and water services. In fact, the County uses the extension of City services to the County Home as an example of actions that the County should replicate in the future. Insofar as the County used the County Home as an example of responsible City expansion, it does not stand to reason that the County desire such a valuable community asset to sit idly and decay. In view of the Affordable Housing Survey ordered by the County highlighted the need for elderly affordable housing, it should not come as a surprise that La Porte County has joined this petition. For all of the reasons above, UPD La Porte, LP and La Porte County urge the Board of Zoning Appeals to grant this use variance for the area immediately surrounding La Porte County Home.

Dwayne Hogan thanked Ms. Kreifels.

Mr. Thomae said that is a big building and if that was a hotel it would house hundreds in a night. Mr. Thomae said that will be workable.

Dwayne Hogan asked if there are any other questions, comments, or concerns of the board.

Attorney Biege told Ms. Wolfson that he checked the notice list and notice was provided to everybody on the list. Attorney Biege said that he doesn't know the location of her neighbors that may have never seen notice, but the Building Commissioner's Office goes through this and issues the addresses of the people who are required to receive notice. Attorney Biege said that if you touch the property you get notice, if you don't touch the property they don't get notice.

Glen Minich made a Motion the Amended Petition for the exhibited site plan, approximately six acres that the Use Variance be allowed for low-rise residential R3A for the use of La Porte County Home. Glen said that the area immediately surrounding the premises including that six acres and this variance is to be granted to this petitioner. This property is located at 2852 State Road 2 West, La Porte, Scipio Twp.

Candice Nelson seconded.

Dwayne Hogan asked if there are any questions or concerns.

Attorney Biege said that we might suggest that we add La Porte Pioneer Village right now and also restrict to over fifty-five senior apartments. Attorney Biege said that all we're doing now is getting this variance in place.

Wally Pritz said that he thinks that we should also put in the motion that they provide a proper survey for the six acres.

Attorney Biege told Mr. Pritz that they're going to have to eventually.

Wally Pritz said that we should know what we're actually approving.

Glen Minich said that he included the exhibited site plan.

Attorney Biege said that he will attach that to the Findings of Fact.

Remonstrator:

Heather McCarthy said that she's the consultant for the Commissioners for their grant projects and her address is 214 Main Street, Hobart, Indiana. Ms. McCarthy said that one of the things when she started working with the Commissioners in the County that they were very firm on is that the current residents in the County Home, if they're in fact able to have independent living, they would have an apartment in this new development. Ms. McCarthy said that if that should come to pass, she doesn't know at this point – she knows that they were doing assessments, but she doesn't know if they are fifty-five and over. Ms. McCarthy said that those ten units are being reserved for the current residents if they can in fact --

Attorney Biege said that he's trying to monitor the approval, or limit the approval to this project. Attorney Biege said that the County is a joint petitioner.

Glen Minich said that the only thing that he thinks he needs to add is this is going to be low-rise residential use for fifty-five and over.

Ms. Kreifels said that in light of what Heather was saying, it does concern her the fact that we're limiting it to fifty units, but it would be a project for elderly, fifty-five plus.

Ms. Kreifels said that if it's possible to include that there will be those ten units that are being subsidized by the County.

Attorney Biege said that he doesn't think that all ten of those are county residents, and he thinks their respective age is well over fifty-five. Attorney Biege said that what he's learned at the council meetings.

Attorney Biege asked if we want to limit the size of the foot print. Attorney Biege asked Ms. Kreifels if that would affect her ability.

Ms. Kreifels said that in general, the size of the footprint is flexible and they're anticipating that it's going to be in general the same.

Attorney Biege said that he can draft it so we can see that it's a similar footprint. Attorney Biege said that we want to limit the size.

Glen Minich asked if we can simply put into evidence the rendering that is put forth in our packet.

Dwayne Hogan asked if there are any other questions, comments, or concerns.

Dwayne Hogan said that we have a motion and a second.

All approved. Motion carried 4-0.

Dwayne Hogan said that Petition No. 2 New York Boys Managements, LLC (owners) and Central States Tower LLC (Lessee).

Candice Nelson made a Motion that we move the Petition for New York Boys Management and Central States Tower to October 20th, 2015 meeting at 6:00 p.m. Wally Pritz seconded.

Dwayne Hogan asked if there are any questions.

All approved. Motion carried 4-0.

Dwayne Hogan asked what we're going to do about Petition No. 6.

Annemarie Polan, Building Commissioner, said that she just found out tonight that the notice has the date of the 16th on it, but the publication was correct on the 15th.

There were remonstrators present.

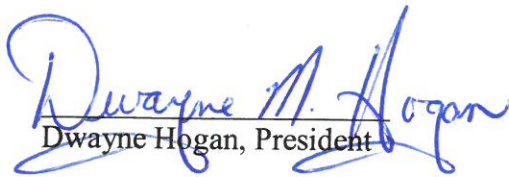
Candice Nelson made a Motion that we move the Petition for County Information Services, LLC a Delaware limited liability company to the October 20th, 2015 meeting at 6:00 p.m. Wally Pritz seconded.

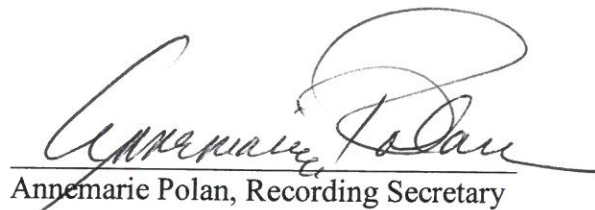
All approved. Motion carried 4-0.

Dwayne Hogan told the remonstrators to come back next month.

Dwayne Hogan asked if there is any new business.

There being no further business before the Board of Zoning this evening, meeting adjourned at 7:30 p.m.


Dwayne Hogan, President


Annemarie Polan, Recording Secretary